

mirrors the system currently used for pay-per-view services. After a subscriber has mailed the operator a written request to activate his ability to lift the block on the leased access channel,^{20/} the subscriber should be able to place a phone call to be able to receive that service with no further delay.^{21/}

IV. THE COMMISSION SHOULD IMPLEMENT CERTAIN
OTHER COMMENTERS' SUGGESTIONS WITH
IMPORTANT MODIFICATIONS

A number of commenters have forwarded two suggestions with which we agree, at least with important modification. First, several commenters have recommended that the Commission include in a cable system's rates whatever costs operators incur in implementing Section 10 and the Commission's final rule. See Community Antenna Television Association, Inc., at 7; Continental Cablevision, Inc., at 10-11.^{22/} We agree with

^{20/} In all instances, the Commission should prescribe the form of request an operator is required to present to subscribers. In order to protect subscribers' privacy, see 47 U.S.C. § 551, that form should be phrased in neutral terms that do not allow the operator to build a record that the subscriber has requested sexually explicit or politically controversial programming.

^{21/} Moreover, the operator should be required to ask new subscribers as part of their initial subscription questionnaire whether they want all access channels unblocked.

^{22/} Other commenters make objectionable suggestions with regard to who should bear these costs. Cox Cable Communications, at 10-11, suggests that those subscribers who request unblocking should bear the cost of blocking. This suggestion should be rejected because it places the burden of paying for blocking on precisely those subscribers who do not find it a benefit. Similarly, the suggestion that programmers pay the cost of blocking, see Blade Communications, Inc. et
(continued...)

these commenters, but only for lockboxes. The sensible approach to paying for lockboxes is to include their costs in developing regulations for cable operators' rates. This sensible approach to cost spreading will also allow the Commission to further assure that no parents are deterred from using lockboxes to keep their children from viewing programming that they deem inappropriate.^{23/} Of course, since lockboxes are effective for this purpose with respect to all channels (and not just PEG and leased access), the Commission should concomitantly clarify that cable operators cannot attribute the costs of lockboxes as a cost of providing access.^{24/}

Second, we agree with the comments of Continental Cablevision, Inc., at 9, 13-14, to the extent that they urge the Commission to recognize that, if the Commission fails to adhere to the lockbox approach, all cable operators will need at least 120 days before they can implement the Commission's final rule. The Commission should further clarify that during

^{22/} (...continued)

al., at 9-10; InterMedia Partners, at 20, also further burdens those who do not find censorship to be a benefit.

^{23/} As we noted in our Opening Comments, even with their associated expense, the Commission has on several occasions found that lockboxes are effective. See Opening Comments at 47.

^{24/} Moreover, as a generic matter, operators who voluntarily choose to censor PEG channels pursuant to Section 10(c) or leased access channels pursuant to Section 10(a) should not be allowed to include the costs of that voluntary activity as a cost of providing access or for any other purpose.

the necessary interim period of delay, all provisions of Section 10 are to be stayed. Moreover, the Commission should recognize the potentially serious constitutional difficulties raised by its rulemaking. The stay should therefore include whatever period is necessary for the courts to complete their review of this scheme, should such review be initiated.

CONCLUSION

Both operators and programmers appearing as commenters in this docket have agreed that the censorship scheme envisioned by the Commission's Proposed Rule would be unconstitutional. None of the suggestions forwarded by operators would cure these problems. To the contrary, they would only exacerbate the first amendment concerns raised by Section 10 and the Proposed Rule. We therefore again urge the Commission to recognize lockboxes as the least restrictive means of effectively implementing Section 10.

Respectfully submitted,



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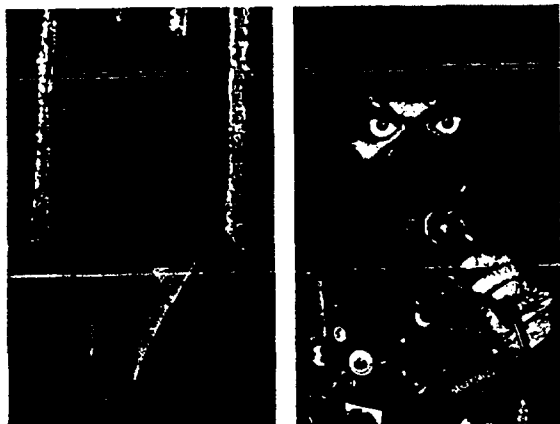
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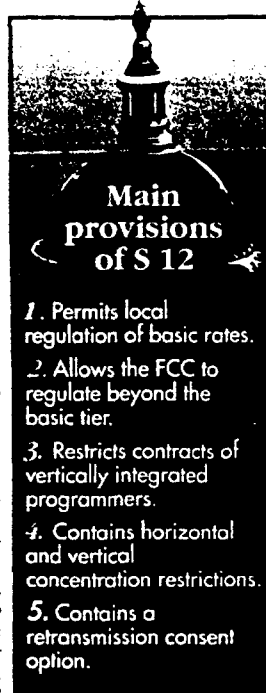
APPENDIX A



Who Leads Pay TV? Hint: It's Not HBO

SEE WHO, PAGE 57

On this front, cable has an ally. The White House called on Vice President Dan Quayle and chief of staff John Sununu to drum up votes against the measure.



SEE SENATE, PAGE 56

SEE WARNER, PAGE 56

SEE TIME, PAGE 56

Warner, Access Group in Shootout

CONTINUED FROM PAGE 1

Pam Thorne, director of public relations for the system, said delivering the satellite services would cost Warner Houston \$85,000 to \$100,000 for a new satellite dish and other support hardware. PEG stands for public educational and government channels.

The city's attorney, Clarence West, wrote back that Warner's interpretation of its obligation was erroneous, saying that as the local educational authority, Access Houston has the power to determine scheduling to meet special audience needs.

A blackout of its choice of shows would "violate the letter and spirit of the franchise" and represents an attempt at editorial control in violation of federal law. West also wrote that Warner is responsible for any "reasonable and appropriate" expense incurred by satellite programming.

Refusal to cablecast the programming scheduled by Access Houston represents a franchise violation, the attorney warned, adding that if the educational channel did not run by May 15, Warner would be considered in violation of its franchise. The system

negotiated an extension of the compliance order to May 23.

Revocation is the only punitive remedy mentioned in the franchise for material breach of contract.

"I suspect the city will begin that process [revocation] ... the council seems amenable. I expect to fight this all the way," said Tomas Cantrell, executive director of Access Houston.

He said satellite programming would not generate significant cost to Warner. Warner is already "looking at the appropriate birds," he said. Warner carries C-SPAN, which is on Galaxy 3 with ME/U; and the International Channel and Silent Network are on Satcom F4. Warner turns to Satcom F4 for its pay-per-view special, Cantrell added.

Thorne said Warner is not "already looking at the right satellites," adding that \$100,000 doesn't seem to be a "reasonable and appropriate cost" for the new channel.

Cantrell said Warner's opposition has angered some segments of the community. A group of 40 Silent Network supporters picketed the operator at the beginning of May

bearing signs reading "Shame," according to local reports. But Thorne said that before the access flap began, the system was talking with the city council about cablecasting some Silent Network programming on a municipal access channel, an agreement that is still possible.

The dispute leaves the programming networks in an awkward position; they want access to the community, but not at the cost of alienating a large MSO. Some did not want to discuss the dispute.

Andy Holdgate, vice president of ME/U, said that where his service is on educational access in other markets, the programming decision was made mutually and amicably by access and system officials.

"We enjoy the fact that our carriage has been mutually supported. We're hopeful that, in time, we can be available (in Houston), but we recognize that there are specific issues between the franchiser and franchisee that need to be cleared up," he said.

Lawyers familiar with cable franchising disputes contacted by *Multichannel News* said access requirements could become a hot

legal area in the next few years, since it is an area uncharted by legal precedent. "Local" is often ill-defined, in a legal sense, in documents.

One attorney, who asked not to be named, gave an example of the dilemma facing companies: If a local producer makes a documentary on France, is that local programming? Or is a documentary on Houston, directed by a Frenchman?

As for whether Warner faces a serious threat of revocation for material breach, attorneys said a judgment would have to be based on the franchise document, the company's original response to a request for proposals and the articles of incorporation of the access corporation and any other contracts between the city and company.

The intent of each of the parties would be determined through these documents. But as a practical matter, every major issue can be solved by compromise, they said.

Compromise is just what Thorne anticipates.

"We are working with the city to put this to rest," she said. ■

Senate Panel Okays S 12

CONTINUED FROM PAGE 1

structs the FCC to examine the impact retransmission consent would have on rates when it designs rules to implement the provisions.

"You have to think the moon is made of green cheese if you don't think that (retransmission consent) will put pressure on cable rates," said Mooney.

But Fritts retorted, "I never heard a broadcaster say that. ... I don't know if it is going to cost anything."

Kimmelman said that even if retransmission consent leads to some rate increases, those increases would be offset by other provisions in the bill. The bottom line is that S 12 is "still a worthwhile deal for consumers," he said.

S 12 also allows local regulation, based on FCC permission and guidelines, of basic rates when there is not "effective competition" in a market. The FCC can regulate beyond the basic tier for services like Cable News Network and ESPN if rates are found "unreasonable." The bill also contains provisions to limit cable operators' ability to evade regulation by retreating.

Some revisions to the original package introduced in January by Inouye and Sens. Ernest Hollings (D-S.C.), Albert Gore (D-Tenn.) and John Danforth (R-Mo.) came from Sen. Slade Gorton (R-Wash.).

Gorton's provisions would prohibit a franchise authority from "unreasonably" refusing to grant a second franchise and would give the second franchisee a "reasonable" amount of time to wire the local cable market. His provisions would also require uniform rates, preventing an incumbent from lowering its rates in an area where it faces competition.

Other revisions would: require superstation and other broadcast programming to be available to home satellite dish distributors at terms equal to those offered cable operators; exempt satellite carriers of TV stations from the bill's retransmission consent provisions until Dec. 31, 1994, when that industry's compulsory license expires; require DBS systems to reserve between 4 and 7 percent of their capacity for public TV stations; and grant low-power TV stations must-carry status.

Sen. John Breaux (D-La.) agreed to withdraw his amendment in exchange for a hearing on home shopping stations getting must-carry status. Breaux's proposal would not have forced cable operators to carry home shopping channels or program-length commercials.

But Breaux's proposal has the potential to block competition so that Tele-Communications Inc.-owned QVC might be the only shopping channel on a system. Sen. Larry Pressler (R-S.D.) said. Inouye said that if the evidence during the hearing supports Breaux's proposal, then the measure will be considered for insertion into the cable package.

"The two main subjects of senatorial discussion — retransmission consent and must-carry for home shopping networks — show how far this supposed 'consumer bill' has deteriorated," Mooney concluded. "Home shopping is being given elevated status over C-SPAN and CNN, and people who want cable to get clearer reception of NBC, ABC and CBS are being told they'll have to pay extra." ■

Time Warner Sets News Channel for NYC

CONTINUED FROM PAGE 1

tations with other area operators that have bogged down news ventures in markets such as Chicago and Orange County, Calif.

The New York City News Channel, in contrast to the broadcast stations in the market, which have a broad geographic mandate, will focus on "news, events and community information targeted solely to the residents of New York City," company officials said.

Time Warner New York City Cable Group president Richard Aurelio said the channel won't chase after big-name anchors, and will instead develop its own talent. "We intend to do this in a lean and tough way, not network-style, because we think that's more reflective of the spirit and the pace of New York City street life."

Reporting and other talent from Time Warner's magazine division — from *Time*, *Fortune*, *Sports Illustrated* and *Entertainment Weekly* — will also be harnessed as part of the effort to bring strong national and international coverage to viewers, although it's not entirely clear yet how their participation will be managed. One magazine insider quipped that the division's resources might be used more effectively to start a competitor to Cable News Network than a local news channel.

As a result of the decision to go forward, "There is a coordination issue that obviously has to be resolved," Aurelio said. "That's one of the things that is on the agenda in the next few weeks."

Start-up costs for the channel were reported last week to be in the range of \$10 million, a figure Aurelio neither disputed nor confirmed.

Larry Fischer, president of 13 month-old Time Warner CityCable Advertising, pegged the channel's annual per-subscriber revenue po-

tential in excess of \$10. "News attracts premium advertising dollars, and I think News 12 has done a wonderful job of marketing its product to Madison Avenue," he said.

News 12, with a different chunk of the \$1.1 billion New York City ADI and about 650,000 subscribers, drew in roughly \$8 million total revenues in 1990, according to Cablevision officials.

Fischer said a number of area businesses such as the New York City Health & Racquet Club and the Five-Borough Chevrolet Dealers Association, have become devoted cable advertisers because of the way cable enables them to focus their advertising dollars.

The ability to narrowcast to Manhattan, Brooklyn or Queens "has been the basis for our success," he said. "I think the notion of broadcasting is really a luxury, but I don't think people can afford that luxury these days."

The Time Warner Cable Group entails Manhattan and Paragon Cable in Manhattan, American Cablevision of Queens, Brooklyn-Queens Cable and Queens Inner Unity Cable System.

The low-key announcement contrasted with the almost celebratory atmosphere surrounding other developments with which the New York City Cable Group has been associated recently — 150 channels promised for 10,000 Queens, N.Y. homes; lawsuits against over 300 alleged cable pirates — leading to some speculation that its timing may somehow have been pre-emptive.

But a source familiar with the company's plans indicated that there had been a tremendous amount of discussion with area broadcasters, including presentations and in some cases partnership discussions. While not discounting the possibility of a competing proposal in the wings, the source said the announcement

would seem to indicate those issues had been resolved.

Rumors of a potential competitor — although it's hard to imagine anyone going head-to-head with Time Warner with its lock on the city's cable systems — in some instances involved a scenario under which Cablevision would use News 12 as a base from which to expand its Long Island coverage west into the city and north into Westchester County.

Aurelio, however, said he had not heard any such rumors, and a Cablevision spokesman denied them, stating that Cablevision was delighted to see more support for the regional news concept and would look into putting the service on its city systems in Brooklyn and the Bronx systems. ■

Correction

Total day ratings for a cable network ratings chart that ran May 6 erroneously reflected the primetime ratings. Below is a corrected version based on the A.C. Nielsen Co.'s NCAR report for the first quarter of this year.

CNN	2.9
TBS SuperStation	1.6
USA Network	1.3
TNT	0.9
Nickelodeon	0.9
ESPN	0.7
Lifetime	0.7
Headline News	0.6
MTV	0.5
Discovery	0.5
TNN	0.5
VH-1	0.2

Notes: TNN and Discovery's total day is 9 a.m.-3 a.m. Lifetime's total day is 7 a.m.-1 a.m. Ratings reflect primary feeds.

Warner Cable Houston Up for Renewal

By LINDA HAUGSTED
Refranchising negotiations for Warner Cable Houston began last week amid allegations that the operator censored a public service message soliciting comments on its performance.

The charges were hurled by Access Houston, the operator's access corporation, with which the system has been feuding.

Warner initially declined to run the inflammatory spots proposed by Ac-

cess Houston on its educational channel.

The spots included statements such as, "Tired of paying among the highest rates in the country for cable TV? Tired of bad reception? Did you know that you pay among the highest rates in the United States for cable TV?"

Also mentioned in the spots was the absence of Mind Extension University, The International Channel and the Silent Network, networks that

Access Houston wants programmed on a second educational channel.

Warner has declined to run them there, however, stating that the programming is not local and that the new additions would cost too much. Access Houston has sued the cable system over this issue.

The spots also urged subscribers to attend the first public hearing on refranchising Warner Cable, held July 16, or call a municipal cable TV hotline to register concerns about cable

service.

Access Houston notified the local press about Warner's refusal to show the spot, as well as soliciting the support of the city attorney's office to compel Warner to cablecast the meeting notice.

The controversial spot was cablecast the day before the meeting, officials said. Regarding the censorship charge, Warner told the local press, "This hearing was widely publicized."

The publicity on the issue may have driven calls to the city's cable hotline, noted Rhonda Andrews, administrations manager, regulatory affairs for the city.

More than 350 calls, "generally negative," came in by hearing time, she said. Consumers' top complaints were picture quality and programming choices.

The system is using all available channels now, including some that suffer seepage from broadcast stations. Most of these ingress channels are programmed with public access, Andrews said.

On the programming issue, callers said they'd like to see some programming services not currently offered, most frequently naming American Movie Classics and Bravo, Andrews added.

At the public hearing before a committee of the City Council, Warner was lauded for its community projects by many of the charities it has aided, by local businessmen who deal with the company and teachers who use Cable in the Classroom.

But it was also dunned by some of the 54 speakers, several of whom were access producers or affiliated with Access Houston. Of the speakers, Andrews judged that one-third were affiliated either with Access Houston or Warner and two-thirds were members of the general public.

At the hearing, the impartiality of one of the council members was questioned. Warner's critics circulated financial disclosure forms of Councilwoman Christin Hartung, alleging that she was a stockholder in the cable company's parent, Time Warner Inc., and had received a political contribution from the cable company's local president.

The councilwoman told local reporters that the stock is actually her husband's and that the donation does not necessarily mean that she supports the contributor.

The hearing was only the first volley in the refranchising process. Warner's current franchise expires in 1994, and the company has not yet proposed any operational changes under a refranchise, said Andrews. Two more public hearings will be held as part of the refranchising process. ■

NuStar Adds CNBC, TWC Promo Spots

WEST CHESTER, Pa. — NuStar, the cable TV cross-channel promotion service, has begun inserting spots into the local avails of CNBC and The Weather Channel, said NuStar president and CEO Peter Mondics.

The addition of the two channels brings to 16 the number of basic cable networks carrying NuStar spots. NuStar had been on Financial News Network before its merger with CNBC.

NuStar reaches 18 million cable subscribers through more than 700 systems. ■

Hank Aaron
 Susan Anton
 Johnny Bench
 Yogi Berra
 Bob Boone
 Terry Bradshaw
 Lou Brock
 Steve Carlton
 Carol Channing
 Joan Collins
 Cathy Lee Crosby
 Charlie Daniels
 Angie Dickinson
 Don Drysdale
 Morgan Fairchild
 Whitey Ford
 Florence Henderson
 Gordie Howe
 Reggie Jackson
 Bob Keeshan
 Tommy Lasorda
 Susan Lucci
 Greg Luzinski
 Sparky Lyle
 Henry Mancini
 Carol Mann
 Mickey Mantle
 Rue McClanahan
 Rita Moreno
 Stan Musial
 Marie Osmond
 Jim Palmer
 Kyle Petty
 Joan Rivers
 Brooks Robinson
 Mike Schmidt
 Brooke Shields
 Richard Simmons
 Willie Stargell
 Bart Starr

Just a Few Reasons Why Your Subscribers Enjoy QVC.



The Enjoyable Way to Shop.

Beyond the Notebook

Access Community Faces Tough Times

By Larry Jaffee

"The committee believes that it is integral to the concept of the use of the PEG (public, educational, governmental) channels that such use be free from any editorial control or supervision by the cable operator."

— House committee report on subsection 611 of the Cable Act

WASHINGTON — These are hard times for the public-access community. Despite explicit congressional approval during the framing of the Cable Act, access continues to be threatened by First Amendment challenges — whether over the content of the channel (as in the recent controversy in Kansas City over the Ku Klux Klan) or about whether access channels should even exist (as in pending federal court challenges by cable companies in California and Erie, PA).

With regard to PEG channels, the Cable Act stipulates only that the local franchising authorities may require of their cable companies a specific number of channels, facilities and funding. Unfortunately, however, only a fraction of franchising authorities include such requirements in their local agreements.

According to the 1988 *Television & Cable Factbook*, only 1,420 cable systems in the U.S. have public-access channels, while only 1,107 have educational channels and 886 have governmental. There is little doubt that Congress would be disappointed by those figures, considering that there are some 8,000 cable systems in the country.

At the recent annual conference of the National Federation of Local Cable Programmers in Tampa, FL, access advocates dwelled on how they must continuously overcome adverse conditions, just because they want to contribute alternative programming in the public interest to the community.

Ten of 20 people attending an opening session for access corporation board members said they experienced compliance problems trying to enforce access provisions in their contracts. They said their access centers constantly fend off threats of their not-thrilled-about-it cable company benefactors to withhold or cut back funding and facilities.

Several conference speakers maintained that what happened in Kansas City — the City Council voted to turn the public-access channel into a local-origination channel under the cable company's

control, in an effort to keep out the KKK — was an aberration. Such a scenario was unlikely to happen in communities that have strong non-profit access corporations, they maintained.

Many of the attendees said they strongly believed that it was no accident that the channel was turned over to the cable company; the action was part of a longstanding industry attack on access.

Robert Niles, president of American Cablevision, the Kansas City system that is owned by American Television & Communications Corp. and Tele-Communications Inc., told *Multichannel News* last week that the cable company had "little influence" over the City Council's decision and was "frankly surprised" by the final action. "But we made no secret we thought the change was a good idea from the perspective of our business to give us greater control," he added.

In a few short weeks, the access advocates' greatest fears have already surfaced. A local producer named Laura Smith, who had contributed programs to the old public-access channel, a few weeks ago was told by the cable system that her script for a documentary on an Indian rights activist needed more "balance."

"It's in our best interest that views are balanced, fair and objective. Now that it's our channel, we are responsible for programming content," Mr. Niles said, unapologetically. That does not mean there is no room for non-mainstream views, he said, but added that those views should be countered. Basically, the situation comes down to the LO channel being the city's choice, Mr. Niles maintained.

And the sad thing is that he is right; the cable company can do whatever it wants with the programming, albeit the moniker "community channel" is an obvious misnomer. But one can only conclude that this is not what Congress had envisioned for community access to cable television.

Although the city was initially well-intentioned — keep out the abhorrent views of the KKK — the council apparently did not consider the full ramifications of its action. Legal experts agree that the American Civil Liberties Union, which will file suit soon on behalf of the KKK, will have an easy time proving that this was a blatant case of discrimination. It's unfortunate, but nevertheless undisputable, that programs like *Race & Reason* are protected by the First Amendment, too. No doubt, the City Council will be embarrassed by the legal outcome.

The best way for a city to combat racist programming is to let it be shown on the access channel, and watch the community rally against the program with their own counterprogramming. Once the Klan and other groups of its ilk realize that their views are not shared by the rest of the community, they will go away — until they target another unsuspecting place and find themselves again outnumbered and rebuked. □

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MASSACHUSETTS

- **Burlington:** A Colony Communications Inc. spokesperson told *Multichannel News* that its franchise contract was renewed here and signed by both parties June 23 after an initial denial this spring.
- **Springfield:** Springfield's consultant on Continental Cablevision will survey community access users to see if a group of disgruntled program producers has valid arguments with the firm. Group cites lack of access to facilities, worn and worn out equipment, staffing problems and an "unclear" budget. Continental has said it has fulfilled its license agreement to provide public access.

NEW JERSEY

- **Old Bridge:** "Big MAC" — the town's municipal access channel — operates on "no budget," according to its executive director for programming, but subsists on corporate donations of equipment and the elbow grease of volunteers. The community bulletin board service cablecasts over channel 29 on the TKR Cable Co. system here. Still, "Big MAC" plans to move from cramped quarters of the Town Hall to a proposed addition to the central Old Bridge Public Library. Channel will also ask township council for \$10,000 next year to pay for editing equipment and to prepare town council chambers for cablecasts.

NEW YORK

- **Rochester:** A one-hour "documentary" to benefit farmers in southeastern states was cablecast on Greater Rochester Cablevision's FCN-5. Program featured news inserts showing the extent of the southeastern drought and portions of a benefit concert held in Lodi, NY. "Drought Aid" was produced by American Community Cablevision of Ithaca, NY, a sister system of Greater Rochester Cablevision.

- **North Salem:** Residents here and in Lewisboro will still be able to buy cable TV service in March or April, 1987, despite snags in locating a site for a satellite receiving station, according to United Video Cablevision Inc. vice president of operations. Both communities signed contracts earlier this year with Community Cable Services of Westchester, a subsidiary of United Video. Community Cable plans to bring cable service to 79 percent of households in the two towns, about 3,500 housing units.

PENNSYLVANIA

- **Tyrons:** Susquehanna Broadcasting Co. replied to a letter from citizens angry about the removal of ESPN and the PTL Network from the channel lineup. Company, in the process

of negotiating a franchise agreement with the borough, said Cox Cable Co. had removed ESPN in 1985 when it had the franchise and that borough should have raised objections at that time. Company also said it was within its rights to remove PTL and replace it with CBN. Susquehanna officials said PTL is not a "must-carry" channel since it is a satellite service, not a broadcast station. Borough council agreed to hire an attorney to help hammer out a franchise agreement.

- **Altoona:** Area public library officials want to meet with Warner Cable Communications' manager to discuss company's assertion to a citizens cable committee that library's media center in a local hotel is also Warner's local studio. Library officials said that although Warner Cable has equipment there, and cablecasts local access programs from the center, cable company pays no rent and provides no maintenance. Cable committee had been trying to find out whether

Warner was living up to all stipulations of franchise, which specifies that Warner maintain a studio in Altoona, according to a library official.

- **Connellsville:** Area subscribers will be able to earn college credits in the comfort of their homes this fall through PENNARAMA, Pennsylvania's Learning Network and Penn State University's Fayette Campus. Network will be available to 17,000 homes in the Connellsville, Scottdale and Mount Pleasant areas.

- **Oil City:** Sammons Communications of Pennsylvania Inc. raised basic cable rates to \$9.25 a month, up from \$8.82 Oct. 1.

- **Graessli:** Township supervisor chairman said Mountain View Cable Co. will be held to its contract, which specifies that company cannot raise rates without increasing the number of channels. Township had been notified by Mountain View that it planned to raise the basic rate 50 cents a month to keep local channel 5 operating.

AN IMPORTANT ANNOUNCEMENT FROM AP/TMS BUSINESS WATCH..

THE END.

On November 15, 1986 AP/TMS Information Services will begin phasing out its Business Watch cable text business news service. Our thanks to the many cable systems and millions of subscribers who have supported us during the past year. And now...

APPENDIX B

1ST STORY of Focus printed in FULL format.

Copyright 1992 Newsweek
Newsweek

February 24, 1992 , UNITED STATES EDITION

SECTION: SOCIETY; Television; Pg. 63

LENGTH: 538 words

HEADLINE: Was It Good for You, Too

BYLINE: JERRY ADLER with VERNON CHURCH

HIGHLIGHT:

' Real Sex' is the ultimate in reality programming

BODY:

If you've ever wondered if you have what it takes to be on TV . . . well, " Real Sex, " on Home Box Office, proves that you do. The people having sex on " Real Sex" are human beings just as God made them. If you've forgotten what women look like without breast implants, the women on " Real Sex" will remind you. The men on " Real Sex" invite comparison to no other species. In answer to the question that Americans have asked since the start of the sexual revolution -- do people really do that? -- the show proves not only that they do, but that they use the same body parts you saw in the shower this morning.

" Real Sex" has all the virtues of improvisation: no discernible premise, no host and virtually no celebrities. The first 45-minute-long segment, which has been shown a dozen times since November 1990, revealed the goings-on at a women's vibrator workshop, a home striptease class and a studio that makes pornographic movies for women. The premiere was HBO's top-rated documentary for the year. A second installment also has been shown 12 times, and a third will debut on Feb. 22. It is always shown late at night. Executive producer Sheila Nevins insists the show has not "crossed any sexual boundaries. We don't show intercourse, we don't show erections. Considering its success, the quotient of criticism from the audience is minuscule." She didn't describe the response from people not in the audience, but HBO has been uncommonly modest about the show, taking several days even to come up with someone to speak about it on the record.

Yeasty name: Throughout, " Real Sex" has kept the same tone, blithe and uplifting and full of relaxed, happy post-orgasmic smiles. " Real Sex" was conceived at a time when "it seemed like life was getting pretty depressing and sex had become mortally wounded and if we could do a program about safe sex that had a sense of humor people could laugh free of charge," says Nevins. That explains a lot about the show, including the home-porno sequence of a man in a propeller-topped dildo beanie, and the fact that the women's pornography producer, "Candida Royale," seems to have chosen a stage name strongly reminiscent of a vaginal yeast infection.

But there's also lots to be learned about " Real Sex, " even for people who may have had it once or twice themselves. Experience the chaste thrill of going on a date with a beautiful 31-year-old dancer who wants to stay a virgin! Find out about the tupuli, supposedly a Cherokee term for "the sacred black hole of creation" (a linguist at the Cherokee Nation of Oklahoma said he'd never heard

of it); learn to make love the HBO-Cherokee way, by "placing your tipili in front of the tupuli" and moaning on a blanket. Hear "Auntie Maim" explain why "business executives, lawyers and air-line pilots" pay \$ 175 to be handcuffed to a wall and whipped by a woman in a leather collar. (It's because it's a relief for them not to have to be in charge.) Discover what's really on the minds of savvy Nevada prostitutes. (How to save for their retirements.) And remember, someday " Real Sex" might make you famous for 15 minutes, in which case . . . well, try to make it last 15 minutes.

GRAPHIC: Picture, You say tipili, I say tupuli: Cherokee love?